

IN THE UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF TEXAS
BEAUMONT DIVISION

BRIAN RICHARDSON	§	
VS.	§	CIVIL ACTION NO. 1:12cv359
G. KROLL, ET AL.	§	

ORDER ADOPTING THE MAGISTRATE
JUDGE'S REPORT AND RECOMMENDATION

Brian Richardson, an inmate confined at the Clements Unit of the Texas Department of Criminal Justice, Correctional Institutions Division, proceeding *pro se* and *in forma pauperis*, filed the above-styled civil rights lawsuit pursuant to 42 U.S.C. § 1983 against Warden G. Kroll and Officer Joshua Moore. The court referred this matter to the Honorable Zack Hawthorn, United States Magistrate Judge, for consideration pursuant to 28 U.S.C. § 636 and applicable orders of this court.

The Magistrate Judge has submitted a Report and Recommendation of United States Magistrate Judge concerning this matter. The Magistrate Judge recommends that the claim against defendant Kroll be dismissed for failure to state a claim and as frivolous pursuant to 28 U.S.C. § 1915(e)(2).

The court has received and considered the Report and Recommendation of United States Magistrate Judge, along with the record and pleadings. No objections to the Report and Recommendation were filed by the parties.¹

ORDER

Accordingly, the findings of fact and conclusions of law of the Magistrate Judge are correct and the report of the Magistrate Judge is **ADOPTED**. The claim against defendant

¹ Plaintiff filed a document which was mistakenly docketed as objections. In the document, plaintiff states he does not have a problem with the dismissal of defendant Kroll from this lawsuit. Plaintiff does ask that defendant Kroll be directed to turn over all documents relating to the use of force which forms the basis of this lawsuit. That request is premature at this time. When the remaining defendant complies with his disclosure obligations, plaintiff should notify the court if he believes he has not received all appropriate documents.

Kroll is **DISMISSED** for failure to state a claim and as frivolous.

SIGNED this the 17 day of **July, 2013**.

A handwritten signature in black ink, appearing to read "Thad Heartfield", written over a horizontal line.

Thad Heartfield
United States District Judge